

# EXECUTIVE JOURNAL.

[EIGHTEENTH SESSION.]

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THURSDAY, DECEMBER 4, 1800.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate James Gibbon, of Virginia, to be Collector of the district of Richmond.

JOHN ADAMS.

UNITED STATES, *December 2d*, 1800.

The message was read.

*Ordered*, That it lie for consideration.

FRIDAY, DECEMBER 5, 1800.

The Senate proceeded to consider the message of the President of the United States, of the 2d instant, and the nomination contained therein, of James Gibbon, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

MONDAY, DECEMBER 8, 1800.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the following gentlemen to the respective offices affixed to their names.

Henry Hammond, Consul of the United States, for the port of Cape François.

David Hopkins, Marshal for the district of Maryland.

John Marshall, a Commissioner, in the room of Timothy Pickering, under the 1st section of the act for an amicable settlement of limits with the State of Georgia.

William Clark, Chief Justice of the Indiana Territory. Henry Vanderburgh second Judge; and John Griffin, third Judge, of the same Territory.

William Heth, Collector for the district of Petersburg, in Virginia.

William S. Smith, Surveyor for the district of New York, and Inspector of the Revenue for the several ports within the district of New York.

Claud Thompson, Collector for the district of Brunswick, in Georgia, and Inspector of the Revenue for the said port of Brunswick.

James McConnell, Inspector of the Revenue for the port of Louisville, and Collector for the district of Louisville.

James Clark, Inspector of the Revenue for the port of Kennebunk, in the State of Massachusetts.

Richard Hunnewell, Surveyor for the district of Portland and Falmouth, in the State of Massachusetts; also, Inspector of the Revenue for the several ports within the district of Portland and Falmouth.

William Davies, Collector for the district of Norfolk and Portsmouth, Virginia.

Joseph Hamilton Davies, Attorney for the district of Kentucky, in the place of William Clarke, promoted.

Bartholomew Dandridge, Consul for the Southern District of St. Domingo, to include Aux Cayes and Jeremico.

JOHN ADAMS.

UNITED STATES, *December 8th*, 1800.

The message was read.

*Ordered*, That it lie for consideration.

TUESDAY, DECEMBER 9, 1800.

The Senate proceeded to consider the message of the President of the United States, of the 8th instant, and the nominations contained therein, of Henry Hammond, and others, to office. Whereupon,

On motion,

*Ordered*, That the further consideration thereof be postponed until tomorrow.

WEDNESDAY, DECEMBER 10, 1800.

The Senate resumed the consideration of the message of the President of the United States, of the 8th instant, and the nominations contained therein, of Henry Hammond, and others, to office; and, having agreed in part,

On motion,

*Ordered*, That the further consideration of the nomination of Henry Hammond and David Hopkins, be postponed.

*Ordered*, That the nomination of William S. Smith, be referred to Mr. Morris, Mr. Hillhouse, and Mr. Gunn, to consider and report thereon to the Senate.

FRIDAY, DECEMBER 12, 1800.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Carleton Walker, to be Naval Officer of the district of Wilmington, North Carolina, in the place of John Walker, who has resigned.

JOHN ADAMS.

UNITED STATES, *December 11th*, 1800.

*Gentlemen of the Senate:*

I nominate, for confirmation, the following gentlemen, who have been provisionally appointed, during the recess of the Senate in 1800:

William Bainbridge, of Pennsylvania, and Hugh G. Campbell, of South Carolina, promoted from Masters Commandants, to be *Captains in the Navy*.

Benjamin Hillar, of Massachusetts, promoted from Lieutenant, to be a *Master Commandant*.

John S. K. Cox, of Massachusetts, promoted from Midshipman; James Campbell, of New York; James Smith, of South Carolina; John Galven, of Pennsylvania, promoted from Sailing Master; John M. Clagett, Philemon C. Wederstrandt, of Maryland, Joshua Blake, of Massachusetts, promoted from Midshipmen; Seymour Potter, of Massachusetts; Edward Brock, of Pennsylvania, promoted from Sailing Master; Redman McClannan, of Massachusetts; Joseph Tarbell, of Massachusetts, promoted from Midshipman; William Crispin, of Pennsylvania, promoted from Sailing Master; James R. Caldwell, of Pennsylvania, William Davis, of Maryland, promoted from Midshipmen, to be *Lieutenants in the Navy*.

Benjamin Shurtleff, of Massachusetts, promoted from Surgeon's Mate; Joseph Anthony, of South Carolina; William Turner, of Virginia, promoted from Surgeon's Mate; Samuel Anderson, of Pennsylvania, promoted from Surgeon's Mate; James Dodge, of New York, promoted from Surgeon's Mate; John Goddard, of Massachusetts, William Turner, of Rhode Island; W. W. Buchanan, of New York, and Charles Webb, of Virginia, promoted from Surgeon's Mate, to be *Surgeons in the Navy*.

Francis Le Barron, of Massachusetts, William Turk, of Pennsylvania; Gersham R. Jacques, of do; Thomas Starke, of Virginia; Hugh Ailkin, of Maryland; Daniel McCormick, Jr. of New York; Thomas H. M. Fendall, of Maryland; James Harvey Bradford, of Massachusetts; John Philip Fisher, of New York; Charles T. Thornton, of Virginia; and Samuel Edward Willett, of New York, to be *Surgeon's Mates in the Navy*.

JOHN ADAMS.

WASHINGTON, *December 11th*, 1800.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate resumed the consideration of the message of the President of the United States, of the 8th instant, and the nominations contained therein, of Henry Hammond and David Hopkins, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

## MONDAY, DECEMBER 15, 1800.

The Senate proceeded to consider the message of the President of the United States, of the 11th instant, and the nomination contained therein, of Carleton Walker, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 11th instant, and the nominations contained therein, of William Bainbridge, and others, to Naval appointments; and, having agreed in part,

On motion,

*Ordered*, That the further consideration thereof be postponed.

## TUESDAY, DECEMBER 16, 1800.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I transmit to the Senate, for their consideration and decision, a convention, both in English and French, between the United States of America and the French Republic, signed at Paris, on the thirtieth day of September last, by the respective Plenipotentiaries of the two powers. I also transmit to the Senate, three manuscript volumes, containing the journal of our Envoys.

JOHN ADAMS.

UNITED STATES, *December 15th*, 1800.

The message and convention were read; and, after progress in reading the other papers accompanying the message,

On motion,

*Ordered*, That the further reading thereof be postponed.

## WEDNESDAY, DECEMBER 17, 1800.

The reading of the papers communicated with the message of the President of the United States, of the 15th, was resumed; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

## THURSDAY, DECEMBER 18, 1800.

The reading of the papers communicated with the message of the President of the United States, of the 15th instant, was resumed, and the papers being read through,

A motion was made, that it be

*Resolved*, That the President of the United States be requested to lay before the Senate the instructions given to our late Commissioners to the French Republic:

*Ordered*, That it lie on the table.

The following written message was received from the President of the United States; by Mr. Shaw, his Secretary:

*Gentlemen of the Senate*:

I nominate John Jay, Esq. Governor of the State of New York, to be Chief Justice of the United States, in the place of Oliver Ellsworth, who has resigned that office.

JOHN ADAMS.

UNITED STATES, *December 18th*, 1800.

The message was read.

*Ordered*, That it lie for consideration.

FRIDAY, DECEMBER 19, 1800.

The Senate proceeded to consider the motion, made yesterday, that the President of the United States be requested to lay before the Senate the instructions given to our late Commissioners to the French Republic; which, being amended, was adopted, as follows:

*Resolved*, That the President of the United States be requested to lay before the Senate, the instructions given to our late Envoys Extraordinary and Ministers Plenipotentiary to the French Republic.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 18th instant, and the nomination contained therein, of John Jay, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 11th instant, and the nominations contained therein, of William Bainbridge, and others, to Naval appointments; and, having agreed to the appointment of Thomas Starke, to be a Surgeon's Mate,

*Ordered*, That the consideration of the nomination of James Smith, Seymour Potter, and Redman McClannan, to be Lieutenants in the Navy; Joseph Anthony, and John Goddard, to be Surgeons in the Navy; Francis C. Barroa, Wm. Turk, Gersham R. Jacques, Hugh Ailkin, Thomas H. M. Fendall, James Harvey Bradford, and Charles T. Thornton, to be Surgeon's Mates in the Navy, be further postponed.

*Ordered*, That the nomination of James Campbell, to be a Lieutenant in the Navy; W. W. Buchanan, to be a Surgeon in the Navy; Daniel McCormick, John Philip Fisher, and Samuel Edward Willett, to be Surgeon's Mates in the Navy, be referred to the committee appointed the 10th instant, on the nomination of William S. Smith, to inquire and report thereon.

On motion,

*Resolved*, That Mr. Morris, Mr. Tracy, and Mr. Theodore Foster, be a committee to procure a translation of so much of the journal of the late Envoys Extraordinary and Ministers Plenipotentiary of the United States to the French Republic, as is communicated in the French language.

MONDAY, DECEMBER 22, 1800.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

In conformity with your request, in your resolution of the 19th of this month, I transmit you the instructions given to our late Envoys Extraordinary and Ministers Plenipotentiary to the French Republic.

It is my request to the Senate that these instructions may be considered in strict confidence, and returned to me as soon as the Senate shall have made all the use of them they may judge necessary.

JOHN ADAMS.

UNITED STATES, *December 22d*, 1800.

On motion,

*Resolved*, That all confidential communications made by the President of the United States to the Senate, shall be, by the members thereof, kept inviolably secret; and that all treaties which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the following list of gentlemen, for promotions and appointments in the Army of the United States.

#### CAVALRY.

Second Lieutenant William Tharp, First Lieutenant, vice Simmons, dismissed.

#### ARTILLERISTS AND ENGINEERS.

Major of the first regiment, Lewis Tousard, Lieutenant Colonel Commandant of the second regiment.

##### *First Regiment.*

Captain Moses Porter, Major, vice Tousard, promoted.  
Lieutenant Jonathan Robeson, Captain, vice Rowan, deceased.  
Lieutenant Henry Muhlenberg, Captain, vice Porter, promoted.  
Lieutenant Theophilus Elmer, Captain, vice Littlefield, resigned.  
Robins Chamberlain, Lieutenant.

##### *Second Regiment.*

Captain William McRea, Major, vice Hoops, resigned.  
Lieutenant William Steele, Captain, vice Cochran, resigned.  
Lieutenant Alexander D. Pope, Captain, vice McRea, promoted.  
Lieutenant John W. Livingston, Captain, vice Bishop, dismissed.

#### INFANTRY.

##### *First Regiment.*

Second Lieut. Eli B. Clemson, First Lieutenant, vice Davidson, resigned.

Second Lieutenant Samuel Clinton, First Lieutenant, vice Blake, resigned.

James Rhea, Second Lieutenant.

Second Lieutenant James Rhea, First Lieutenant, vice Peyton, resigned.

*Second Regiment.*

First Lieutenant Archibald Gray, Captain, vice Shaumburg, Division Quarter Master.

First Lieutenant Rezin Webster, Captain, vice Miller, resigned.

Second Lieutenant Peter Shiras, First Lieutenant, vice Allison, deceased.

Second Lieutenant Thomas Porter, First Lieutenant, vice Webster, promoted.

*Third Regiment.*

Captain Zebulon Pike, Major, vice Kersey, deceased.

First Lieutenant William P. Smith, Captain, vice Pike, promoted.

First Lieutenant Hugh McCall, Captain, vice Marks, dismissed.

First Lieutenant William Scott, Captain, vice Steele, deceased.

First Lieutenant William R. Boote, Captain, vice Rickard, resigned.

*Fourth Regiment.*

First Lieutenant Hartman Leitheiser, Captain, vice Brock, resigned.

First Lieutenant John Wallington, Captain, vice Gibson, resigned.

First Lieutenant Francis Johnston, Captain, vice Taylor, resigned.

Second Lieutenant James Love, First Lieutenant, vice Leitheiser, promoted.

Second Lieutenant Thomas Eastland, First Lieutenant, vice Wallington, promoted.

Second Lieutenant James Desha, First Lieutenant, vice Johnston, promoted.

JOHN ADAMS.

WASHINGTON, *December 18th*, 1800.

*Gentlemen of the Senate:*

I nominate his excellency Arthur St. Clair, to be Governor of the Territory of the United States, northwest of the river Ohio, for three years, commencing from the end of his last appointment. At the same time I transmit you a number of petitions and other documents, relative to this nomination.

Solomon Sibley, Esq. of the said Territory, to be a member of the Legislative Council of the said Territory, to fill the vacancy occasioned by Henry Vanderburgh, late a member of said Council, falling into the Indiana Territory.

Aquilla Giles, to be Marshal of the district of New York, for four years, to commence from the twenty-second of this month, when his present commission expires.

Samuel Bradford, of Massachusetts, to be Marshal for the district of Massachusetts for four years, to commence from the expiration of his present period, which will happen on the twenty-second day of December, current.

Robert Hays, of Tennessee, to be Marshal for the district of Tennessee,

for four years, to commence from the twentieth of February next, when his present period expires.

JOHN ADAMS.

UNITED STATES, *December 19th*, 1800.

The messages were read.

*Ordered*, That they severally lie for consideration.

TUESDAY, DECEMBER 23, 1800.

The Senate resumed the consideration of the message of the President of the United States, of the 11th instant, and the nominations contained therein, of William Bainbridge, and others, to Naval appointments; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

The Senate proceeded to consider the message of the President of the United States, of the 18th instant, and the nominations contained therein, of William Tharp, and others, to military appointments; and, after progress, the further consideration was postponed.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate John Ellis, and Adam Bingaman, of Adams county; Alexander Montgomery, and John Stampley, of Pickering county; and Flood McGrew, of Washington county, to be members of the Legislative Council in the Mississippi Territory.

JOHN ADAMS.

UNITED STATES, *December 23d*, 1800.

The message was read.

*Ordered*, That it lie for consideration.

Mr. Morris, from the committee appointed on the 19th, on the message of the President of the United States, of the 11th instant, containing Naval nominations, made report, which was read. Whereupon, the consideration of said message was resumed; and, after progress,

*Ordered*, That the consideration thereof be further postponed.

Mr. Morris, from the committee appointed the 19th instant, to procure a translation of the journal of the Envoys Extraordinary to the French Republic, made report thereof.

The Senate proceeded to consider the message of the President of the United States, of the 19th instant, and the nominations contained therein, of Arthur St. Clair, and others, to office; and, after agreeing to the nomination of Solomon Sibley, Aquilla Giles, Samuel Bradford, and Robert Hays,

*Ordered*, That the further consideration thereof be postponed.

TUESDAY, DECEMBER 30, 1800.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Samuel Dexter, Secretary of War, to be Secretary of the

Treasury, in the place of Oliver Wolcott, who has asked and obtained leave to resign at the end of this year, 1800.

JOHN ADAMS.

UNITED STATES, *December 24th*, 1800.

*Gentlemen of the Senate:*

I nominate Louis Tousard, Lieutenant Colonel of Artillerists and Engineers, to be Inspector of Artillery, under the act of July 16th, 1798.

JOHN ADAMS.

UNITED STATES, *December 30th*, 1800.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 23d instant, and the nominations contained therein, of John Ellis, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 11th instant, and the nominations therein contained, of William Bainbridge, and others, to Naval appointments. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 19th instant, and the nomination contained therein, of Arthur St. Clair, to be Governor of the North Western Territory; and the papers referring thereto being read,

On motion,

*Ordered*, That the nomination, and papers referred to, be committed to Mr. Livermore, Mr. Brown, and Mr. Paine, to consider and report thereon.

WEDNESDAY, DECEMBER 31, 1800.

The Senate resumed the consideration of the message of the President of the United States, of the 18th instant, nominating William Tharp, and others, to military appointments in the Army. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate proceeded to consider the message of the President of the United States, of the 24th instant, and the nomination contained therein, of Samuel Dexter, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the message of the President of the United States, of the 30th instant, and the nomination contained therein, of Louis Tousard, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay these several resolutions before the President of the United States.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France; and, after progress,  
*Ordered*, That the further consideration thereof be postponed.

MONDAY, JANUARY 5, 1801.

A motion was made that the following rule be adopted, to wit:

*Resolved*, (as a standing rule,) That whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time, for information only; when no motion to reject, ratify, or modify, the whole, or any part, shall be received.

That its second reading shall be for consideration, and on a subsequent day, when it shall be taken up, as in a committee of the whole, and every one shall be free to move a question on any particular article, in this form—"Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall the words stand part of the article?" And in every of the said cases, the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds for whatever is retained or inserted.

That the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall the words stand part of the resolution?" And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative; as well as on the final question to advise and consent to the ratification, in the form agreed to.

It was agreed that the motion should lie for consideration.

TUESDAY, JANUARY 6, 1801.

The Senate resumed the motion, made yesterday, for an additional rule in the consideration of treaties; and the motion was agreed to, and the rule adopted accordingly.

The Senate proceeded to consider the convention made on behalf of the United States with the Republic of France;

And, the second article being under consideration, a question was moved and put, to wit: "Will the Senate advise and consent to the ratification of this article?" And, after debate,

*Ordered*, That the further consideration thereof be postponed.

THURSDAY, JANUARY 8, 1801.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France;

And the second article having been debated, a question was moved thereon, to wit: "Will the Senate advise and consent to the ratification of this article?"

And the yeas and nays being taken, are as follows: Yeas, 11; Nays, 16.

Those who voted in the affirmative, are—Messrs. Baldwin, Bloodworth,

Brown, Cocke, T. Foster, Franklin, Greene, Langdon, S. T. Mason, Nicholas, and Paine.

Those who voted in the negative, are—Messrs. Armstrong, Chipman, Dayton, D. Foster, Gunn, Hillhouse, Hindman, Howard, Latimer, Livermore, J. Mason, Morris, Read, Schureman, Tracy, and Wells.

So it passed in the negative.

And the third article being under consideration, a question was moved and put, “Will the Senate advise and consent to the ratification of this article?”

And the yeas and nays being taken, are as follows: Yeas, 12; N. ys 15.

Those who voted in the affirmative, are—Messrs. Armstrong, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Greene, Gunn, Langdon, S. T. Mason, and Nicholas.

Those who voted in the negative, are—Messrs. Chipman, Dayton, D. Foster, Hillhouse, Hindman, Howard, Latimer, Livermore, J. Mason, Morris, Paine, Read, Schureman, Tracy, and Wells.

So it passed in the negative.

The Senate proceeded in the consideration of the convention, so far as to the fourteenth article; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate John Stuart Kerr, Esq., a native of Philadelphia, now resident in the Philippine Islands, to be Consul of the United States for the city and island of Manilla, in the dominion of the king of Spain.

JOHN ADAMS.

UNITED STATES, *January 8th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

The President of the United States this day communicated, also, two additional petitions, in relation to the appointment of Arthur St. Clair, to be Governor of the North Western Territory.

*Ordered*, That they be referred to the committee appointed the 30th of December last, on this subject, to consider and report thereon.

FRIDAY, JANUARY 9, 1801.

The Senate proceeded to consider the message of the President of the United States, of the 8th instant, and the nomination contained therein, of John Stuart Kerr, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France.

On motion, to advise and consent to the adoption of an additional article, to wit:

“It is further agreed, between the said contracting parties, that nothing in this treaty contained, shall be construed or operate contrary to former and existing treaties with other states or sovereigns.”

And, on the question, “ Will the Senate advise and consent to the adoption of this article?” It passed unanimously in the affirmative: Yeas 27.

Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, Dayton, D. Foster, Franklin, Greene, Gunn, Hillhouse, Hindman, Howard, Langdon, Latimer, Livermore, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Read, Schureman, Tracy, and Wells.

On motion, to advise and consent to the adoption of the following additional article, to wit:

“ The present convention shall be in full force during the term of ——— years, to be computed from the time of the exchange of the ratifications.”

And, after debate,

*Ordered*, That the further consideration thereof be postponed.

#### MONDAY, JANUARY 12, 1801.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France; and

The motion made on the 9th instant, being amended as follows:

The present convention shall be in full force until two years, to be computed from the day of the signature of the preliminary or other articles of peace, which shall conclude the war in which the French nation is now engaged, or for a term not exceeding ——— years, to be computed from the time of the exchange of the ratifications, whichever event shall first happen.

On the question, “ Will the Senate advise and consent to the adoption of this article?”

It was determined in the affirmative, { Yeas, . . . . . 25,  
Nay, . . . . . 1.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bingham, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Hillhouse, Hindman, Howard, Latimer, Livermore, Morris, Nicholas, Paine, Read, Schureman, Tracy, and Wells.

Mr. Langdon voted in the negative.

#### TUESDAY, JANUARY 13, 1801.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France; and,

On motion,

*Ordered*, That the further consideration thereof be postponed until Thursday next.

#### THURSDAY, JANUARY 15, 1801.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Marmaduke Wait, of Vermont, Thomas W. Hooper, of Boston, and Presley N. O'Bannon, of Virginia, to be Second Lieutenants in the Marine corps.

JOHN ADAMS.

UNITED STATES, *January 13th*, 1801.

*Gentlemen of the Senate :*

I nominate Lucius Horatio Stockton, Esq. of New Jersey, to be Secretary of War, in the place of the Hon. Samuel Dexter, promoted to be Secretary of the Treasury.

JOHN ADAMS.

UNITED STATES, *January 14th*, 1801.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate resumed the consideration of the convention made on behalf of the United States with the Republic of France. Whereupon,

The Vice-President reported to the House, that the Senate, as in a Committee of the Whole, had had under their consideration the convention, and had gone through the same, and had agreed to sundry modifications, which he proceeded to state to the House, and again to put questions thereon, severally, for confirmation, as follows:

On the question, whether the Senate would advise and consent to the ratification of the second article of the convention?

It passed in the negative, { Yeas, . . . . . 10,  
  { Nays, . . . . . 15.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bloodworth, Cocke, T. Foster, Franklin, Langdon, Marshall, Nicholas, and Paine.

Those who voted in the negative, are—Messrs. Bingham, Chipman, Dayton, D. Foster, Hillhouse, Howard, Latimer, Livermore, J. Mason, Morris, Read, Ross, Schureman, Tracy, and Wells.

On the question, whether the Senate would advise and consent to the ratification of the third article of the convention? A motion was made to amend the article, by adding to the end thereof, these words, “or paid for.” Whereupon,

A motion was made to amend the amendment by adding thereto the following words: “*And so likewise, the merchant ships and vessels which have been taken, and definitively condemned on the one part and the other, shall be restored or paid for.*”

On the question to agree to the amendment to the amendment,

It passed in the negative, { Yeas, . . . . . 8,  
  { Nays, . . . . . 20.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. D. Foster, Hillhouse, Howard, Latimer, Livermore, Read, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bingham, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, Franklin, Langdon, Marshall, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Ross, and Schureman.

So the amendment to the amendment was lost.

On the question to agree to the original amendment, to wit: to add the words “or paid for;”

It passed in the negative, { Yeas, . . . . . 7,  
  { Nays, . . . . . 21.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Brown, Cocke, S. T. Mason, and Nicholas.

Those who voted in the negative, are—Messrs. Bingham, Bloodworth, Chipman, Dayton, T. Foster, D. Foster, Franklin, Hillhouse, Howard, Langdon, Latimer, Livermore, Marshall, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

So the amendment was lost.

On the question, whether the Senate would advise and consent to the ratification of the third article?

It passed in the negative, { Yeas, . . . . . 13,  
Nays, . . . . . 16.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Greene, Langdon, Marshall, S. T. Mason, and Nicholas.

Those who voted in the negative, are—Messrs. Bingham, Chipman, Dayton, D. Foster, Hillhouse, Howard, Latimer, Livermore, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

On the question, whether the Senate would advise and consent to the adoption of the first additional article, agreed to as in Committee of the Whole, on the 9th instant?

It passed unanimously in the affirmative: Yeas, 28.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bingham, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Hillhouse, Howard, Langdon, Latimer, Livermore, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Read, Ross, Schureman, Tracy, and Wells.

On motion to fill the blank in the second additional article, agreed to as in Committee of the Whole, with the words, “ten years;”

It passed in the negative, { Yeas, . . . . . 9,  
Nays, . . . . . 19.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Langdon, S. T. Mason, and Nicholas.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Bingham, Chipman, Dayton, D. Foster, Greene, Hillhouse, Howard, Latimer, Livermore, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

On motion to fill the blank with the words “eight years;”

It passed unanimously in the affirmative: Yeas, 28.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bingham, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Hillhouse, Howard, Langdon, Latimer, Livermore, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Read, Ross, Schureman, Tracy, and Wells.

On motion to amend the second additional article, agreed to as in Committee of the Whole, by striking out these words, “until two years, to be computed from the day of the signature of the preliminary or other articles of peace, which shall conclude the war in which the French nation is now engaged;”

And, on the question, “Shall these words stand?”

It passed in the negative, { Yeas, . . . . . 4,  
   { Nays, . . . . . 23.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Livermore, Paine, Read, and Tracy.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Hillhouse, Howard, Langdon, Latimer, Marshall, S. T. Mason, J. Mason, Morris, Nicholas, Schureman, and Wells.

And the article having been further amended, by unanimous consent, to read as follows:

The present convention shall be in full force for the term of eight years, to be computed from the time of the exchange of the ratifications.

On the question, whether the Senate would advise and consent to the said additional article, as amended?

It passed in the affirmative, { Yeas, . . . . . 26,  
   { Nay, . . . . . 1.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Hillhouse, Howard, Langdon, Latimer, Marshall, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Read, Schureman, Tracy, and Wells.

Mr. Livermore voted in the negative.

*Ordered*, That Mr. Morris, Mr. Nicholas, and Mr. Dayton, be a committee to reduce the several votes on this treaty into the form of a ratification.

#### FRIDAY, JANUARY 16, 1801.

The Senate proceeded to consider the message of the President of the United States, of the 13th instant, and the nominations contained therein, of Marmaduke Wait, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 14th instant, and the nomination contained therein, of Lucius Horatio Stockton, to office.

On motion,

*Ordered*, That the further consideration thereof be postponed.

#### MONDAY, JANUARY 19, 1801.

Mr. Morris, from the committee appointed to reduce the several votes on the convention made on behalf of the United States with the Republic of France, into the form of a ratifications, made a report, which was read; and

*Ordered*, That it lie for consideration.

#### TUESDAY, JANUARY 20, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate John Marshall, Secretary of State, to be a Chief Justice of the United States, in the place of John Jay, who has declined his appointment.  
JOHN ADAMS.

UNITED STATES, *January 20th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to consider the report of the committee appointed to reduce the several votes on the convention made on behalf of the United States with the Republic of France, into the form of a ratification.

On motion to amend the proviso, by inserting after the word "third," the words "and nineteenth:"

It was agreed that the further consideration of the convention, and report thereon, be postponed until to-morrow.

On motion,

*Resolved*, That the President of the United States be requested to communicate to the Senate such information, (if any such there be,) as may have been received respecting the convention with France, and may, in his opinion, be proper to be so communicated.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, JANUARY 21, 1801.

The following written message was received from the President of the United States by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

In compliance with your request, signified in your resolution of the twentieth day of this month, I transmit you a report, made to me by the Secretary of State, on the same day, a letter of our late Envoys to him of the 4th of October last—an extract of a letter from our Minister Plenipotentiary in London, to him, of the 22d of November last, and an extract of another letter from the Minister to the Secretary, of the 31st of October last.

The reasoning in the letter of our late Envoys to France is so fully supported by the writers on the law of nations, particularly by Vattel, as well as by his great masters, Grotius and Puffendorf, that nothing is left to be desired to settle the point, that if there be a collision between two treaties, made with two different powers, the more ancient has the advantage; for no engagement contrary to it can be entered into in the treaty afterwards made; and if this last be found, in any case, incompatible with the more ancient one, its execution is considered as impossible, because the person promising had not the power of acting contrary to his antecedent engagement. Although our right is very clear to negotiate treaties according to our own ideas of right and justice, honor and good faith, yet it must always be a satisfaction to know that the judgment of other nations, with whom we have connexion, coincide with ours, and that we have no reason to apprehend that any disagreeable questions and discussions are likely to arise. The letters from Mr. King will, therefore, be laid before the Senate, with particular satisfaction.

The inconveniences to public officers, and the mischiefs to the public, arising from the publication of the despatches of Ministers abroad, are so numerous, and so obvious, that I request of the Senate, that these papers, especially the letters from Mr. King, be considered in close confidence.

JOHN ADAMS.

UNITED STATES, *January 21st*, 1801.

The message and papers were read.

*Ordered*, That they lie for consideration.

The Senate resumed the consideration of the report of the committee appointed to reduce the several votes on the convention made on behalf of the United States with the Republic of France, into the form of a ratification, together with the motion made yesterday thereon, to wit: to amend the proviso, by inserting after the word "third," the words "and nineteenth." And, on the question to agree to the insertion of the words,

It was determined in the negative, { Yeas, . . . . . 6,  
Nays, . . . . . 22.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Bingham, Hillhouse, Read, Ross, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Howard, Langdon, Latimer, Livermore, S. T. Mason, J. Mason, Morris, Nicholas, Payne, and Schureman.

On motion,

*Ordered*, That the further consideration of the convention, and the report of the committee thereon, be postponed until Friday next.

FRIDAY, JANUARY 23, 1801.

The Senate resumed the consideration of the report of the committee appointed to reduce the several votes on the convention made on behalf of the United States with the Republic of France, into the form of a ratification, which report is as follows: "*Resolved, by the Senate of the United States*, (two-thirds of the Senators present concurring therein,) That they do consent to and advise the ratification of the convention between the French Republic and the United States of America, made at Paris the eighth day of Vendemaire, of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred: *Provided*, the second and third articles be expunged, and that the following articles be added or inserted:

1st. It is understood that nothing in this convention shall be so construed as to operate contrary to any former and existing treaties between either of the parties and any other state or sovereign.

2d. It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Whereupon,

A motion was made to strike out the whole of the proviso; on which it was agreed to divide the question into four parts, viz:

1st. Whether so much as provides that the second article shall be expunged, shall stand?

2d. Whether so much as provides that the third article shall be expunged, shall stand?

3d. Whether that part shall stand which restrains it from operating against former treaties?

4th. Whether that part shall stand which provides a limitation of time to its duration?

And, on the question on the first division, to wit: Whether so much as provides that the second article shall be expunged, shall stand?

It passed in the negative, two-thirds of the Senators present not agreeing thereto: Yeas, 17; Nays, 13.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Armstrong, Bingham, Chipman, Dayton, D. Foster, Hillhouse, Hindman, Howard, Latimer, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Greene, Langdon, Livermore, Marshall, S. T. Mason, and Nicholas.

And, on the question on the second division, to wit: Whether so much as provides that the third article shall be expunged, shall stand?

It passed in the negative, two-thirds of the Senators present not agreeing thereto: Yeas, 16; Nays, 17.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Bingham, Chipman, Dayton, D. Foster, Hillhouse, Hindman, Howard, Latimer, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Greene, Langdon, Livermore, Marshall, S. T. Mason, and Nicholas.

And, on the question on the third division, to wit: Whether that part shall stand which restrains it from operating against former treaties?

It passed in the negative, two-thirds of the Senators present not agreeing thereto: Yeas, 17; Nays, 13.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Bingham, Chipman, Dayton, D. Foster, Greene, Hillhouse, Hindman, Howard, Latimer, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Langdon, Livermore, Marshall, S. T. Mason, and Nicholas.

And, on the question on the fourth division, to wit: Whether that part shall stand which provides a limitation of time to its duration?

It was determined in the affirmative, { Yeas, . . . . . 24,  
Nays, . . . . . 6.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Bingham, Bloodworth, Chipman, Cocke, Dayton, D. Foster, Franklin, Greene, Hillhouse, Hindman, Howard, Langdon, Latimer, Livermore, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Baldwin, Brown, T. Foster, Marshall, S. T. Mason, and Nicholas.

And, on the question to agree to the report of the committee, as amended, It was determined in the negative, two-thirds of the Senators present not agreeing thereto: Yeas, 16; Nays, 14.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, T. Foster, Franklin, Greene, Langdon, Livermore, Marshall, S. T. Mason, Nicholas, and Paine.

Those who voted in the negative, are—Messrs. Bingham, Dayton, D. Foster, Hillhouse, Hindman, Howard, Latimer, J. Mason, Morris, Read, Ross, Schureman, Tracy, and Wells.

MONDAY, JANUARY 26, 1801.

On motion, that it be

*Resolved*, That, whensoever a question on the ratification of a treaty, with modifications, shall have been negatived, a question may be proposed for a simple and unmodified ratification.

It was agreed that this motion should lie until to-morrow.

On motion, to correct the Executive Journal of the 23d instant, (to wit, the last question on which the yeas and nays were called,) to read as follows:

“And, on the question, to agree to the resolution as amended:” And to add, after the yeas and nays, these words: “So this resolution was not agreed to; and, therefore, it was

“*Resolved*, That the Senate do not consent to, and advise the President of the United States to ratify said convention between the French Republic and the United States.

“*Ordered*, That the Secretary lay this resolution before the President of the United States.”

And it was agreed that this motion should lie until to-morrow.

TUESDAY, JANUARY 27, 1801.

The Senate proceeded to consider the message of the President of the United States, of the 20th instant, and the nomination contained therein, of John Marshall, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the motion made yesterday, for an additional rule in the conduct of the Executive business; and

It was agreed that this motion, the motion made yesterday for correcting the Executive Journal, of the 23d instant, together with the convention made with the French Republic, should be postponed to Monday next.

On motion, that it be

*Resolved*, That, when any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who voted on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

And it was agreed that the consideration of this motion should be postponed until Monday next.

#### THURSDAY, JANUARY 29, 1801.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

In consequence of a letter, a copy of which I now enclose to the Senate, from Lucius Horatio Stockton, of New Jersey, I withdraw the nomination of that gentleman to be Secretary of War.

JOHN ADAMS.

UNITED STATES, *January 29, 1801.*

*Gentlemen of the Senate:*

I nominate Roger Griswold, Esquire, member of the House of Representatives, from Connecticut, to be Secretary of War, in the place of Samuel Dexter, Esquire.

JOHN ADAMS.

UNITED STATES, *January 29, 1801.*

The messages were read.

*Ordered,* That they severally lie for consideration.

#### FRIDAY, JANUARY 30, 1801.

Mr. Livermore, from the committee to whom was referred the consideration of the nomination of Arthur St. Clair, together with the papers relating thereto, made report; which was read.

*Ordered,* That it lie for consideration.

#### MONDAY, FEBRUARY 2, 1801.

On motion, it was agreed that the consideration of the motion made the 27th ultimo, relative to the proceedings in case of treaties, be postponed until to-morrow.

On motion, it was agreed that the consideration of Arthur St. Clair, be further postponed until to-morrow.

On motion, it was agreed that the consideration of the nomination of Roger Griswold be postponed until to-morrow.

#### TUESDAY, FEBRUARY 3, 1801.

The Senate proceeded to consider the message of the President of the United States, of the 29th of January last, and the nomination contained therein, of Roger Griswold, to office; and,

On the question, to advise and consent thereto,

It passed in the affirmative, { Yeas, . . . . . 25,  
  { Nays, . . . . . 5.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bingham, Chipman, Dayton, T. Foster, D. Foster, Franklin, Gunn, Hillhouse, Hindman, Howard, Langdon, Latimer, Livermore, Marshall, J. Mason, Morris, Nicholas, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Armstrong, Bloodworth, Brown, Cocke, and S. T. Mason.

So it was

*Resolved*, That the Senate advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the report of the committee to whom was referred the nomination of Arthur St. Clair, to be Governor of the Territory north-west of the river Ohio, and the papers communicated to the Senate therewith; which report is as follows:

“That the petitioners against the appointment have made various charges against said St. Clair; but have offered to the Senate no testimony in support of them.

“Your Committee find, that some laws have been selected by the Governor and Judges of said Territory, by which the Governor was entitled to fees for certain services, as stated by the petitioners. These laws have, however, been submitted to the consideration of Congress, and by Congress have been permitted to continue in force.

“Your Committee further find, that the Legislative Council and House of Representatives of said Territory, in answer to the Governor’s speech, addressed to them in November last, express their confidence in his administration, in terms highly honorable to him.

“Your Committee would therefore recommend to the Senate, to advise and consent to the appointment. Whereupon,

*Resolved*, That the Senate do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the motion made the 26th of January last, respecting the proceedings in case of treaties, to wit:

*Resolved*, That, whenever a question on the ratification of a treaty, with modifications, shall have been negatived, a question may be proposed for a simple and unmodified ratification.

And it was agreed to postpone the consideration hereof, and to adopt the following rule:

*Resolved*, That when any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who voted on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

On motion, it was agreed to reconsider the vote passed the 23d of January, on the report of the committee appointed to reduce the several votes on the convention made on behalf of the United States with the French Republic, into the form of a ratification.

On motion, it was agreed to reconsider the first division of the report, to wit:

“Whether so much as provides that the second article *shall be expunged, shall stand?*

And, on the question to agree to this part of the report,

It passed in the affirmative, }	Yeas, . . . . .	30,
	Nay, . . . . .	1.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bingham, Bloodworth, Brown, Chipman, Cocke, Dayton, T. Foster, D. Foster, Franklin, Greene, Gunn, Hillhouse, Hindman, Howard, Langdon, Latimer, Livermore, S. T. Mason, J. Mason, Morris, Nicholas, Paine, Read, Ross, Schureman, Tracy, and Wells.

Mr. Marshall voted in the negative.

On motion, it was agreed to reconsider the vote of the 23d of January, on the second division of the report, to wit:

“Whether so much as provides that the third article shall be expunged, shall stand?”

And, on the question to agree thereto,

It passed in the negative, two-thirds of the Senators present not agreeing thereto: Yeas, 18; Nays, 13.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Bingham, Chipman, Dayton, D. Foster, Greene, Hillhouse, Hindman, Howard, Latimer, Livermore, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Gunn, Langdon, Marshall, S. T. Mason, and Nicholas.

On the question to agree to the ratification, as follows:

*Resolved*, by the Senate of the United States, (two-thirds of the Senators present concurring therein,) That they do consent to, and advise the ratification of the convention between the French Republic and the United States of America, made at Paris, the eighth day of Vendemiaire, of the ninth year of the French Republic; the thirtieth day of September, anno Domini, eighteen hundred:

*Provided*, the second article be expunged, and that the following article be added or inserted:

It is agreed, that the present Convention shall be in force for the term of eight years, from the time of the exchange of the ratifications.

It passed in the affirmative,	{	Yeas, . . . . .	22,
		Nays, . . . . .	9.

The yeas and nays being taken,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Brown, Chipman, Cocke, Dayton, T Foster, Franklin, Greene, Gunn, Hindman, Howard, Langdon, Latimer, Livermore, Marshall, S. T. Mason, Nicholas, Paine, and Schureman.

Those who voted in the negative, are—Messrs. Bingham, D. Foster, Hillhouse, J. Mason, Morris, Read, Ross, Tracy, and Wells.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

THURSDAY, FEBRUARY 5, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the gentlemen in the following list, to fill the offices to which they are designated in it.

*Cavalry.*

Alexander Macomb, jun.      New York,      Second Lieutenant.

*First Regiment of Artillerists and Engineers.*

Cadet Jared Brooks,		Lieutenant.
Robert Gray,	Pennsylvania,	ditto
Cadet Lewis Landais,		ditto
Cadet William Murray,		ditto
Cadet Joseph Cross,		ditto
Peter Lampkin,	Virginia,	ditto
John B. Barnes,	Maryland,	ditto
Addison B. Armistead,	Virginia,	ditto
George Armistead,	ditto	ditto
Charles Hunt,	Massachusetts,	ditto
Enos Noland,	Maryland,	ditto
Clarence Mulford,	New Jersey,	ditto
John F. Powell,	Virginia,	ditto
Hezekiah W. Bissell,	Connecticut,	ditto
Kilian P. Van Rensselaer,	New York,	ditto
Henry Tillery,	New Hampshire,	ditto
Enoch Humphrey,	Connecticut,	ditto

*Second Regiment of Artillerists and Engineers.*

Jonathan Williams,	Pennsylvania,	Major.
John Lillie,	Massachusetts,	Captain.
Lloyd Beall,	Maryland,	ditto
Josiah Dunham,	New Hampshire,	ditto
Thomas Brindley,	Rhode Island,	Lieutenant.
William Wilson,	Maryland,	ditto
John Walbach,		ditto
Cadet James Wilson,		ditto
Lewis Howard,	New Jersey,	ditto
Augustus Hunt,	Massachusetts,	ditto
Cadet Pearson Titcomb,		ditto
Cadet John Grange,		ditto
Cadet Samuel Seaton,		ditto
Waters Clark,	Connecticut,	ditto
William Cocks,	New York,	ditto
John Heiskell,	Virginia,	ditto
George Peter,	Maryland,	ditto
Nathan Parks,	Massachusetts,	ditto
Jesse Lull,	Vermont,	ditto
Augustus Strong,	Connecticut,	ditto
Samuel Welch,	Massachusetts,	ditto

*First Regiment of Infantry.*

George W. Kirkland,	New York,	First Lieutenant.
James Ashman,	Pennsylvania,	ditto
Ninian Pinkney,	Maryland,	ditto
William Swan,	Massachusetts,	ditto
Sylvester G. Whipple,	New Hampshire,	ditto
Thomas W. Williams,	Massachusetts,	Second Lieutenant.
Benjamin Wallace,	Pennsylvania,	ditto

William Carson,	Pennsylvania,	Second Lieutenant.
Horatio Stark,	Virginia,	ditto
Simon Owens,	ditto	ditto
Joseph C. Cooper,	New York,	ditto
Robert G. Barde,	South Carolina,	ditto
Benjamin Wilkinson,	Maryland,	ditto
Ambrose Whitlock,	North Western Territory,	ditto
Bartholomew D. Armistead,	Virginia,	ditto

*Second Regiment of Infantry.*

John Braham,	Virginia,	Second Lieutenant.
William Elliott,	Maryland,	ditto
Daniel Hughes,	ditto	ditto
Robert Bell,	Virginia,	ditto
Uriah Blue,	ditto	ditto
John Duer,	New York,	ditto
John Hinson,	Mississippi Territory,	ditto
Joseph Miller,	Pennsylvania,	ditto
Cadet William H. Wooldridge,		ditto

*Third Regiment of Infantry.*

Samuel Erwine,	Pennsylvania,	First Lieutenant.
William Potter,	New Jersey,	ditto
Elhanan W. Wheeler,	New York,	ditto
Samuel B. Magaw,	Pennsylvania,	ditto
Philip S. Schuyler,	New York,	ditto
John Williams,	Virginia,	Second Lieutenant.
Alexander Cooper,	Maryland,	ditto
Thomas Lee,	Pennsylvania,	ditto
Daniel Baker,	Vermont,	ditto
Henry Brevoort,		ditto
John Hylton,	Maryland,	ditto
Henry R. Graham,		Second Lieutenant.
Richard Skinner,		ditto
James Smith, Jun.	Pennsylvania,	ditto
John W. Brownson,	Vermont,	ditto

*Fourth Regiment of Infantry.*

William Gardner,	Massachusetts,	Second Lieutenant.
Benjamin Nowland,	Maryland,	ditto
James Cunningham,	Massachusetts,	ditto
Gassaway W. Harwood,	Maryland,	ditto
Wilkinson Jones,	ditto	ditto
Edmund P. Gaines,	Tennessee,	ditto
Henry Hopkins,	Maryland,	ditto
James Wilkinson, Jr.	ditto	ditto
Richard Buck,	Pennsylvania,	ditto

JOHN ADAMS.

UNITED STATES, *February 4th*, 1801.

FRIDAY, FEBRUARY 6, 1801.

The message yesterday received from the President of the United States was read.

*Ordered*, That it lie for consideration.

## TUESDAY, FEBRUARY 10, 1801.

The Senate proceeded to consider the message of the President of the United States, of the 4th instant, and the nominations contained therein, of Alexander Macomb, Jun. and others, to military appointments.

And having made progress therein, and having agreed to the appointment of Jonathan Williams, to be Major of the 2d regiment of Artillerists and Engineers;

On motion, it was agreed to reconsider the assent to the appointment of Jonathan Williams; and, after debate, the further consideration of this nomination and message were postponed.

## THURSDAY, FEBRUARY 12, 1801.

The Senate resumed the consideration of the message of the President of the United States, of the 4th instant, and the nominations contained therein, of Alexander Macomb, Jun. and others, to military appointments; and, after progress, it was agreed that the further consideration thereof be postponed.

## MONDAY, FEBRUARY 16, 1801.

The Senate resumed the consideration of the message of the President of the United States, of the 4th instant, and the nominations contained therein, of Alexander Macomb, Jun. and others, to military appointments. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

Mr. Morris, from the committee to whom was referred the nomination of William S. Smith, contained in the message of the President of the United States, of the 8th of December last, made report; which was read.

*Ordered*, That it lie for consideration.

## TUESDAY, FEBRUARY 17, 1801.

The Senate proceeded to consider the report of the committee to whom was referred the nomination of William S. Smith, contained in the message of the President of the United States, of the 8th of December last; and, after debate,

On motion,

*Ordered*, That the further consideration thereof be postponed until Monday next.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate James A. Bayard, member of the House of Representatives from the State of Delaware, to be Minister Plenipotentiary from the United States to the French Republic.

JOHN ADAMS.

UNITED STATES, *February 13th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

WEDNESDAY, FEBRUARY 18, 1801.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the Honorable John Lowell, Esq. of Massachusetts, to be Chief Judge.

The Honorable Benjamin Bourne, Esq. of Rhode Island, and the Hon. Jeremiah Smith, Esq. of New Hampshire, to be Judges of the First Circuit, under the act of Congress in their present session, to provide for the more convenient organization of the Courts of the United States.

John Davis, Esq. to be Judge of the District of Massachusetts, in the place of Mr. Lowell, nominated for promotion.

Harrison Gray Otis, Esq. to be Attorney for the District, in place of Mr. Davis.

The Honorable Ray Green, Esq. Senator from Rhode Island, to be Judge of that District, in place of Mr. Bourne, nominated for promotion.

Edward St Loe Livermore, of New Hampshire, to be Attorney of the United States, in that District, in place of Mr. Smith, nominated for promotion.

*Second Circuit.*

The Honorable Egbert Benson, Esq. of New York, to be Chief Judge.

The Honorable Oliver Wolcott, Esq. of Connecticut, and Samuel Hitchcock, Esq. of Vermont, to be Judges in the Second Circuit.

*Third Circuit.*

Jared Ingersoll, Esq., of Pennsylvania, to be Chief Judge.

Richard Bassett, Esq. Governor of Delaware, and

William Griffith, Esq. of New Jersey, to be Judges of the Third Circuit.

John Wilkes Kitterra, Esq., of Pennsylvania, to be Attorney of the District, in place of Jared Ingersoll, Esq., nominated for promotion.

*Fourth Circuit.*

The Honorable Charles Lee, Esq. Attorney General of the United States, to be Chief Judge, and Philip B. Key, Esq., of Maryland, and George Keith Taylor, Esq., of Virginia, to be Judges of the Fourth Circuit of the United States.

Theophilus Parsons, Esq., of Massachusetts, to be Attorney General of the United States, in the place of Mr. Lee, nominated to be Chief Judge of the Fourth Circuit.

JOHN ADAMS.

*Gentlemen of the Senate:*

I nominate Henry Prebble, Esq., of Massachusetts, to be Consul of the United States at Cadiz, in Spain, in the place of Mr. Iznardi.

John Jones Waldo, of Massachusetts, to be Commercial Agent at Nantes, in France.

Isaac Cox Barnet, of New Jersey, to be Commercial Agent at Bourdeaux.

John M. Forbes, of New York, to be Commercial Agent at Havre de Grace.

William Lee, of Massachusetts, to be Commercial Agent at Marseilles.

George Rundle, of Pennsylvania, to be Commercial Agent at Brest.

Thomas Waters Griffith, of Maryland, to be Commercial Agent at Rouen.

William Foster, Jun. of Massachusetts, to be Commercial Agent at Morlaix.

George Stacy, now acting Agent for the United States in the Isle of France, to be Commercial Agent of the United States in that and the Isle of Bourbon.

John Mitchell, of New Jersey, to be Commercial Agent at Ostend.

James H. Hooe, of the Territory of Columbia, to be Commercial Agent at Dunkirk.

JOHN ADAMS.

UNITED STATES, *February 18th*, 1801.

*Gentlemen of the Senate:*

I nominate Elizur Goodrich, Esq. member of the House of Representatives, for Connecticut, to be Collector of the Customs for New Haven, in the place of David Austin, deceased.

JOHN ADAMS.

UNITED STATES, *February 18th*, 1801.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 13th instant, and the nomination contained therein, of James A. Bayard, to office; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

THURSDAY, FEBRUARY 19, 1801.

The Senate resumed the consideration of the message of the President of the United States, of the 13th instant, and the nomination contained therein, of James A. Bayard, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 18th instant, and the nomination contained therein, of Elizur Goodrich, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 18th instant, and the nominations contained therein, of John Lowell, and others, to office.

On motion,

*Ordered*, That the further consideration thereof be postponed until to-morrow.

The Senate proceeded to consider the message of the President of the United States, of the 18th instant, and the nominations contained therein, of Henry Prebble, and others, to office; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

FRIDAY, FEBRUARY 20, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I request of the Senate, that the letter and journal of our late Envoys to France, and the copy of their instructions, and other documents relative to that negotiation, may be returned to me, or to the office of State.

JOHN ADAMS.

UNITED STATES, *February 20th*, 1801.

The message was read. Whereupon,

*Ordered*, That the papers specified in the message of the President of the United States, of this day, be returned to him.

The Senate resumed the consideration of the message of the President of the United States, of the 18th instant, and the nominations contained therein, of John Lowell, and others, to office.

And, on the question to agree to the nomination of Philip B. Key, of Maryland,

It was determined in the affirmative, { Yeas, . . . . . 20,  
Nays, . . . . . 9.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Anderson, Bingham, Dayton, T. Foster, Dwight Foster, Greene, Gunn, Hillhouse, Hindman, Howard, Latimer, Livermore, Marshall, J. Mason, Morris, Paine, Read, Ross, Tracy, and Wells.

Those who voted in the negative, are—Messrs. Armstrong, Baldwin, Bloodworth, Brown, Cocke, Franklin, Langdon, S. T. Mason, and Nicholas.

And the question having been severally put on the other nominations contained in the message, and agreed to, it was

*Resolved*, That the Senate do advise and consent to the appointments, agreeably to the nominations, respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

MONDAY, FEBRUARY 23, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the Honorable Thomas Bee, of South Carolina, to be Chief Judge.

The Honorable John Sitgreaves, of North Carolina, and the Honorable Joseph Clay, Jr. of Georgia, to be Judges in the Fifth Circuit of the United States.

*Sixth Circuit.*

William McClung, Esq. of Kentucky, to be a Circuit Judge in the Sixth Circuit of the United States.

The Honorable Jacob Read, Esq. Senator from South Carolina, to be Judge of that District, in the place of Judge Bee.

The Honorable William H. Hill, Esq. member of the House of Representative from North Carolina, to be Judge of that District, in place of Judge Sitgreaves.

Samuel Blackbourn, Esq. to be Attorney for the Western District of Virginia.

Robert Grattan, of Stanton, in Virginia, to be Marshal of the Western District of Virginia.

Thomas Gray, Esq. of the District of East Tennessee, to be Attorney for the said District.

Charles J. Porter, Esq. of the District of East Tennessee, to be Marshal of the said District.

William Pitt Beers, Esq. of Albany, to be Attorney of the United States for the District of Albany.

James Dole, Esq. of Troy, in the District of Albany, to be Marshal of that District.

J. C. Mountflorenee, of North Carolina, to be Commercial Agent for the United States at Paris.

JOHN ADAMS.

UNITED STATES, *February 21st*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

The Senate resumed the consideration of the report of the committee to whom was referred the nomination of William S. Smith, contained in the message of the President of the United States, of the 8th of December last; and the report was agreed to; and, on the question to advise and consent to the nomination,

It was determined in the affirmative,	{	Yeas, . . . . .	18,
		Nays, . . . . .	8.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Anderson, Armstrong, Baldwin, Bloodworth, Cocke, Dayton, Franklin, Greene, Gunn, Hindman, Langdon, Livermore, Marshall, S. T. Mason, J. Mason, Paine, Read, and Tracy.

Those who voted in the negative, are—Messrs. Brown, Dwight Foster, Hillhouse, Morris, Nicholas, Pinckney, Ross, and Wells.

So it was

*Resolved*, That the Senate do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 18th instant, and the nominations contained therein, of Henry Prebble, and others, to office; and, after debate, the further consideration thereof was postponed.

TUESDAY, FEBRUARY 24, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the Honorable Elijah Paine, of Vermont, to be Judge of that District, in the place of Judge Hitchcock, promoted.

Thomas Gibbons, of Georgia, to be Judge of that District, in the place of Judge Clay, promoted.

Turell Tufts, Esq. our Consul at Surinam, to be our Commercial Agent at L'Orient.

Thomas Aborn, of Rhode Island, to be Commercial Agent at Cayenne.

JOHN ADAMS.

UNITED STATES, *February 24th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 2<sup>d</sup> instant, and the nominations contained therein, of Thomas Bee, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 18th instant, and the nominations contained therein, of Henry Prebble, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, FEBRUARY 25, 1801.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the Honorable Philip Barton Key, of Maryland, to be Chief Judge of the Fourth Circuit, in the place of the Honorable Charles Lee, who has declined his appointment.

Charles Magill, Esq. of the Western District of Virginia, to be a Judge of the Fourth Circuit.

JOHN ADAMS.

UNITED STATES, *February 25th*, 1801.

*Gentlemen of the Senate:*

I nominate Louis C. Baily, of Maryland, now acting Lieutenant on board of the Eagle, to be promoted from the rank of Midshipman, to be a Lieutenant in the Navy.

Jacob Jones, of Delaware, as Midshipman, to be promoted to the rank of Lieutenant in the Navy.

Robert Greenleaf, of Rhode Island, to be a Second Lieutenant in the Marine corps, vice Lieutenant Bell, resigned.

Robert Hamilton Nicholls, of Maryland, to be a Second Lieutenant in the Marine corps, vice Lieutenant M'Cleary, deceased.

JOHN ADAMS.

UNITED STATES, *February 25th*, 1801.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 24th instant, and the nominations therein contained, of Elijah Paine, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

#### THURSDAY, FEBRUARY 26, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Edward Tilghman, Esq. of Pennsylvania, to be Chief Judge of the Third Circuit of the United States, in the place of Jared Ingersoll, Esq. who, for satisfactory reasons, has declined his appointment.

JOHN ADAMS.

UNITED STATES, *February 26th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 25th instant, and the nominations contained therein, of Philip Barton Key, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 25th instant, and the nominations contained therein, of Louis C. Baily, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

#### FRIDAY, FEBRUARY 27, 1801.

The following note was received from the President of the United States, by Mr. Shaw, his Secretary:

The President asks leave to insert William instead of Edward Tilghman, in the nomination 26th February, 1801.

JOHN ADAMS.

Whereupon,

*Ordered*, That the correction be made, agreeably to the request of the President of the United States.

#### SATURDAY, FEBRUARY 28, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the Hon. Thomas Johnson, Esq., of Frederick, in Maryland, to be Chief Judge; James Marshall, Esq., of Alexandria, and William Cranch, Esq., of the City of Washington, to be Assistant Judges, of the Territory of Columbia.

Thomas Swann, Esq., of Alexandria, to be Attorney for the District.

I also nominate the three Judges and Attorney, to be Justices of the Peace in both counties of the District.

James M. Lingan, Esq. to be Marshal of the District.

JOHN ADAMS.

UNITED STATES, *February 28th*, 1801.

The message was read.

*Ordered*, That it lie for consideration.

On motion,

*Ordered*, That William Ward Burrows have leave to withdraw sundry papers, communicated to a committee of the Senate, respecting William S. Smith.

MONDAY, MARCH 2, 1801.

The following written messages were received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate the following list of promotions and appointments in the Army:

*First Regiment of Artillerists and Engineers.*

Lieutenant Peter Talman, Captain, vice Elliott, resigned.

Prescott Barron, of Rhode Island, Surgeon's Mate.

*Second Regiment of Artillerists and Engineers.*

Lieutenant John Hancock, Captain, vice Eddins, resigned.

Moses Swett, of Vermont, Lieutenant, vice Hancock, promoted.

Stephen Thomas, of Massachusetts, Surgeon's Mate.

*First Regiment of Infantry.*

First Lieutenant Meriwether Lewis, Captain, vice Prior, deceased.

Van Bennett, of Virginia, Second Lieutenant.

Charles Blake, of Massachusetts, Surgeon's Mate.

Ebenezer Lawrence, of Massachusetts, do. do.

*Second Regiment of Infantry.*

Second Lieutenant Seymour Renick, First Lieutenant, vice Rand, resigned.

Levi Alexander, Second Lieut., vice Renick, promoted.

John H. Douglas, of New York, Surgeon's Mate.

Edward Reynolds, of Maryland, do. do.

*Third Regiment of Infantry.*

Captain Isaac Guion, Major, vice Cass, resigned.

Reuben Everitt, of North Carolina, Surgeon's Mate.

JOHN ADAMS.

Mar 2d, 1801.

*Gentlemen of the Senate:*

I have considered the advice and consent of the Senate, to the ratification of the convention with France, under certain conditions. Although it would have been more conformable to my own judgment and inclination, to have agreed to that instrument unconditionally, yet, in this point, I found I had the misfortune to differ in opinion from so high a constitutional authority as the Senate, I judged it more consistent with the honor and interest of the United States to ratify it under the conditions prescribed, than not at all. I accordingly nominated Mr. Bayard, Minister Plenipotentiary to the French Republic, that he might proceed without delay to Paris, to negotiate the exchange of ratifications; but, as that gentleman has declined his appointment, for reasons equally applicable to every other person suitable for the service, I shall take no further measures relative to this business, and leave the convention, with all the documents, in the office of State, that my successor may proceed with them according to his wisdom.

JOHN ADAMS.

UNITED STATES, *March 2d*, 1801.

*Gentlemen of the Senate:*

I nominate William Hammond Dorsey, Esq., to be Judge of the Orphans' Court in the County of Washington, in the District of Columbia; John Peter to be Register of Wills for the same county.

John Herbert, Esq., to be Judge of the Orphans' Court for the county of Alexandria; Cleon Moore, Esq., of Alexandria, to be Register of Wills for that county.

The Hon. Thomas Sim Lee, the Hon. Tristram Dalton, the Hon. Benjamin Stoddert, the Hon. Uriah Forest, Daniel Carroll, John Mason, James Barry, Thomas Beall, William Thornton, Daniel Reintzell, Robert Brent, Thomas Peter, William Marberry, Thomas Addison, John Laird, Richard Forest, Cornelius Cunningham, Marsham Waring, John Threlkeld, Lewis Deblois, William Hammond Dorsey, Joseph Sprigg Belt, Abraham Boyd, Esquires, to be Justices of the Peace for the County of Washington, in the District of Columbia.

William Fitzhugh, Robert Townsend Hooe, Richard Conway, Charles Alexander, George Gilpin, Francis Peyton, George Taylor, Dennis Ramsay, Simon Summers, John Potts, Jonah Thompson, William Harper, Jonathan Swift, Abraham Faw, Charles Alexander, Jr., John Herbert, Cuthbert Powell, Jacob Houghman, and Cleon Moore Esquires, to be Justices of the Peace for the County of Alexandria.

Samuel Hanson, of Samuel, to be Notary Public for Washington, and Henry Moore, to be Notary Public for Alexandria County.

JOHN ADAMS.

UNITED STATES, *March 2d*, 1801.

*Gentlemen of the Senate:*

I nominate Jonathan Russell, Esq., of Bristol, in Rhode Island, to be Collector of the port of Bristol, in that State.

Nathaniel Phillips, Esq. of Warren, to be Surveyor of the port of Warren and Barrington.

Samuel Bosworth, Esq., to be Surveyor of the port of Bristol.

JOHN ADAMS.

UNITED STATES, *March 2d*, 1801.

*Gentlemen of the Senate:*

I nominate the Honorable Frederick Frelinghuysen, Esq., of New Jersey, to be Attorney of the United States for that district, in the place of Lucius Horatio Stockton, who has resigned that office.

JOHN ADAMS.

UNITED STATES, *March 2d*, 1801.

The messages were read.

*Ordered*, That they severally lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 26th of February last, and the nomination contained therein, of William Tilghman, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 28th of February last, and the nominations contained therein, of Thomas Johnson, and others, to office.

And, after progress,

*Ordered*, That the further consideration thereof be postponed.

TUESDAY, MARCH 3, 1801.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Enoch S. Lane, of Virginia, to be a Lieutenant of Marines.

JOHN ADAMS.

*March 3d*, 1801.

The message was read. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the message of the President of the United States, of the 2d instant, and the nominations contained therein, of Jonathan Russell, and others. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate proceeded to consider the message of the President of the United States, of the 2d instant, and the nomination contained therein, of Frederick Frelinghuysen, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the message of the President of the United States, of the 28th of February last, and the nominations contained therein, of Thomas Johnson, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively, except to "the three Judges and Attorney to be Justices of the Peace"—postponed.

The Senate proceeded to consider the message of the President of the United States, of the 2d instant, and the nominations contained therein, of Peter Talman, and others, to military appointments. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate proceeded to the consideration of the message of the President of the United States, of the 2d instant, and the nominations contained therein, of William Hammond Dorsey, and others, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay those resolutions before the President of the United States.

The following written message was received from the President of the United States, by Mr. Shaw, his Secretary:

*Gentlemen of the Senate:*

I nominate Thomas Duncan, Esq., of Pennsylvania, to be Attorney, and Hugh Barclay, ditto, to be Marshal of the Western district of said State.

JOHN ADAMS.

UNITED STATES, *March 3d*, 1801.

The message was read. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The preceding compared with the originals.

Attest:

SAM: A. OTIS, *Secretary*.

END OF THE EIGHTEENTH SESSION.